

WEIL, GOTSHAL & MANGES LLP
Gary T. Holtzer
767 Fifth Avenue
New York, New York 10153-0119
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

-and-

KUTAK ROCK LLP
Michael A. Condyles (Va. Bar No. 27807)
1111 East Main Street, Suite 800
Richmond, Virginia 23219
Telephone: (804) 644-1700
Facsimile: (804) 783-6192

Attorneys for Chase Bank USA, National Association

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

-----X		
In re	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC., <i>et al.</i> ,	:	Case No. 08-35653 (KRH)
	:	
Debtors.	:	(Jointly Administered)
	:	
-----X		

**RESPONSE OF CHASE BANK, USA, NATIONAL ASSOCIATION
TO THE DEBTORS' THIRTY-FIFTH OMNIBUS OBJECTION
TO CLAIMS (DISALLOWANCE OF (I) CERTAIN AMENDED CLAIMS;
AND (II) CERTAIN DUPLICATE CLAIMS)**

Chase Bank USA, National Association, as successor by merger with Bank One Delaware, National Association ("Chase"), hereby files this response to the *Debtors' Thirty-Fifth Omnibus Objection to Claims (Disallowance of (i) Certain Amended Claims; and (ii) Certain Duplicate Claims* and respectfully state as follows:

Background

1. On January 30, 2009, Chase filed a proof of claim in the Debtors bankruptcy case (Claim No. 9281) ("First Claim") for damages incurred in connection with a certain Consumer Credit Card Program Agreement ("Credit Card Program Agreement") to which Chase and Circuit City Stores, Inc. were parties. At the time Chase filed the First Claim, it had not yet been able to determine the full extent of its damages and therefore filed the First Claim with an unliquidated amount.

2. On April 29, 2009, Chase filed a second proof of claim against the Debtors (Claim No. 12042) alleging damages incurred in connection with the Debtors' rejection of the Credit Card Program Agreement in the amount of \$37,182,615.00 ("Second Claim").

3. On August 21, 2009, the Debtors filed their Thirty-Fifth Omnibus Objection to Claims (Disallowance of (i) Certain Amended Claims; and (ii) Certain Duplicate Claims) seeking the disallowance of the First Claim and providing for the survival of the Second Claim, asserting that the Second Claim is an amended version of the First Claim.

Response

4. Chase does not object to the disallowance of the First Claim pursuant to the Debtors' Thirty-Fifth Omnibus Objection.

5. Chase does, however, object to the extent that the Thirty-Fifth Omnibus Objection seeks to expunge, disallow, reduce in amount or otherwise affect in any manner the Second Claim.

WHEREFORE Chase consents to the disallowance of the First Claim and objects to any action taken with respect to the Second Claim that seeks to expunge, disallow,

reduce in amount or otherwise affect in any manner the Second Claim and Chase seeks such further relief as may be deemed appropriate.

Dated: Richmond, Virginia
September 15, 2009

Respectfully submitted,
By: /s/ Michael A. Condyles
Michael A. Condyles, Esq. (Va. Bar No. 27807)
KUTAK ROCK, LLP
1111 East Main Street, Suite 800
Richmond, Virginia 23219
(804) 644-1700

-and-

Gary T. Holzer, Esq.
WEIL, GOTSHAL & MANGES LLP
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New York, New York 10153
(212) 310-8000

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Association*

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on September 15, 2009, a true and exact copy of the foregoing was served via electronic means or by overnight delivery to the following necessary parties defined as the Core Group in the case management order entered November 13, 2008: (i) the Debtors and counsel for the Debtors, (ii) the Office of the United States Trustee for the Eastern District of Virginia, (iii) counsel to the Official Committee of Unsecured Creditors, (iv) counsel to the agents for the Debtors' pre-petition lenders, and (v) counsel to the agents for the Debtors' post-petition lenders and per the Notice of Objection, via ECF notification specifically to the following:

Gregg M. Galardi, Esq.
Ian S. Fredericks, Esq.
Skadden, Arps, Slate, Meagher & Flom, LLP
One Rodney Square
PO Box 636
Wilmington, DE 19899-0636

Chris L. Dickerson, Esq.
Skadden, Arps, Slate, Meagher & Flom, LLP
155 North Wacker Drive
Chicago, IL 60606

Dion W. Hayes, Esq.
Douglas M. Foley, Esq.
McGuireWoods LLP
One James Center
901 E. Cary Street
Richmond, VA 23219

Dated: Richmond, Virginia
September 15, 2009

Respectfully submitted,
By: /s/ Michael A. Condyles
Michael A. Condyles, Esq. (Va. Bar No. 27807)
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